

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JACEK KAWALEC)
)
v.) NO. 3-14-0917
) JUDGE CAMPBELL
KOREEN LYNN MAJESKE)

TEMPORARY RESTRAINING ORDER

Pending before the Court is Plaintiff's *Ex Parte* Motion Under the Hague Convention for Entry of a Temporary Restraining Order and for Scheduling of an Expedited Hearing (Docket No. 2). The Court held an *ex parte* hearing on the Motion on April 7, 2014, attended by counsel for the Plaintiff. For the reasons stated herein and from the bench at the hearing, Plaintiff's Motion is GRANTED on the following terms.

In determining whether to issue a TRO pursuant to Rule 65 of the Federal Rules of Civil Procedure, the Court is to consider: (1) the plaintiff's likelihood of success on the merits; (2) whether the plaintiff may suffer irreparable harm absent the injunction; (3) whether granting the injunction will cause substantial harm to others; and (4) the impact of the injunction on the public interest. *Abney v. Amgen, Inc.*, 443 F.3d 540, 546 (6th Cir. 2006).

The Court finds that Plaintiff has shown a likelihood of success of the merits of his claim sufficient to preserve the status quo until a hearing can be held. The Court finds that the potential injury to the Plaintiff is irreparable and requires an *ex parte* issuance because the Defendant has a history of flights with one or more of the parties' children without notice to Plaintiff, and this Order preserves the status quo. The Court finds that issuance of this Order will not cause substantial harm to Defendant or others and that there is no harmful impact of this Order on the public interest.


Accordingly, it is, therefore, ORDERED, pursuant to Federal Rule of Civil Procedure 65, that Defendant Koreen Lynn Majeske is hereby enjoined and restrained from removing herself and/or LD, the parties' youngest minor child, date of birth 2002, from the jurisdiction of this Court, pending further order of the Court. Moreover, Defendant Koreen Lynn Majeske is hereby enjoined and restrained from allowing any other person to remove the parties' youngest minor child, LD, year of birth 2002, from the jurisdiction of this Court, pending further Order of the Court.

This Order binds the following persons who have actual notice of it, pursuant to Fed. R. Civ. P. 65(d)(2): the parties, the parties' officers, agents, servants, employees, attorneys and any other persons in active concert with such persons.

This Temporary Restraining Order is effective upon its issuance on April 7, 2014, at 12:40 p.m. Under these circumstances, no bond is required.

In accordance with Fed. R. Civ. P. 65(b)(3), the Court will hold a preliminary injunction hearing on April 16, 2014, beginning at 9:00 a.m. Defendant Koreen Lynn Majeske is ORDERED to appear for this hearing and to bring the parties' youngest minor child, LD, year of birth 2002, to the hearing.

IT IS SO ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE